

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

# MANDATE

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 13th day of July, two thousand eleven.

Before: AMALYA L. KEARSE,  
DENNY CHIN,  
*Circuit Judges,*

JED S. RAKOFF, \*  
*District Judge.*

APPLIED ENERGISTICS, INCORPORATED,

Petitioner-Appellant,

v.

NEWOAK CAPITAL MARKETS, LLC,

Respondent-Appellee.

## JUDGMENT

Docket No.: 10-5107

The appeal in the above captioned case from the United States District Court for the Southern District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the district court's judgment is REVERSED and REMANDED in accordance with the opinion of this court.

FOR THE COURT,  
CATHERINE O'HAGAN WOLFE, Clerk

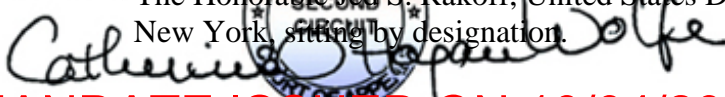

  


A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

\* The Honorable Jed S. Rakoff, United States District Judge for the Southern District of New York, sitting by designation.

MANDATE ISSUED ON 10/04/2011